REMARKS

This application has been reviewed in light of the Office Action dated October 7, 2003 (Paper No. 6). Claims 101 to 175 are pending in this application, with Claims 1 to 100 having been cancelled and Claims 101 to 175 having been added. Claims 101, 102, 107 to 109, 116, 123, 130, 133, 137, 139, 141, 143 to 145, 152 to 154, 161 to 163, 169 to 175 are in independent form. Reconsideration and further examination are respectfully requested.

Applicants wish to thank the Examiner for the indication that 62, 64 to 66, 74, 76 to 78, 86 and 88 to 90 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, and to include all of the limitations of the base claims. The limitations of Claims 65, 66, 77, 78, 89 and 90 have been incorporated into newly added dependent Claims 149, 150, 158, 159, 167 and 168, whose base claims are believed to be allowable for at least the reasons set forth below. The limitations of Claims 64, 74, 76, 86 and 88 have been incorporated into newly added independent Claims 145, 153, 154, 162 and 163, respectively. Consequently, Claims 145, 149, 150, 153, 154, 158, 159 162, 163, 167 and 168 are seen to be in condition for allowance.

In the Office Action, the Examiner suggested amending "said outside" to "outside transmitting means." Claim 134, substituted in for Claim 48, has been amended to more clearly define the invention. Reconsideration and withdrawal of this objection is respectfully requested.

Claims 96 to 100 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants submit that the cancellation of Claims 96 to 100

herein render moot this objection. Accordingly, reconsideration and withdrawal of the foregoing claim objections are respectfully requested.

Claims 1 to 61, 63, 67 to 73, 75, 79 to 85, 87 and 91 to 95 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,443,890 (Schulze).

Claims 101 to 108 have been substituted in for original Claims 1 to 22; Claims 109 to 136 have been substituted in for original Claims 23 to 48; Claims 137 to 143 have been substituted in for original Claims 49 to 55; and Claims 144 to 175 have been substituted in for original Claims 56 to 95. Reconsideration and withdrawal of the foregoing claim rejections are respectfully requested.

With regard to independent Claims 101, 102, 107 and 108, independent Claim 101 is directed to a body temperature managing method for a thermometer terminal in a system including a thermometer, the thermometer terminal for receiving body temperature data from the thermometer and executing predetermined operations, and a device for receiving body temperature data having undergone the predetermined operations, transmitted from the thermometer terminal, and transmitting information relating to a service that uses the body temperature data to the thermometer terminal. The body temperature managing method includes a receiving step for receiving body temperature data, an accumulating step for accumulating body temperature data received in the receiving step, until an instruction for transmission is issued, and a recognizing step for recognizing an instruction for transmission. The body temperature managing method also includes an enciphering step for enciphering the body temperature data accumulated in the accumulating step, in the event that an instruction for transmission is recognized in the

recognizing step, and a transmitting step for transmitting the body temperature data enciphered in the enciphering step to the device.

In a similar manner, independent Claims 102 and 107 respectively define the invention in terms of a body temperature managing device and a storage medium.

Independent Claim 108 is directed to a body temperature managing system including a thermometer, a thermometer terminal for receiving body temperature data from the thermometer and executing predetermined operations, and a device for receiving body temperature data having undergone the predetermined operations, transmitted from the thermometer terminal, and transmitting information relating to a service that uses the body temperature data to the thermometer terminal. The thermometer includes measuring means for measuring body temperature, and transmitting means for transmitting body temperature data measured by the measuring means. The thermometer terminal includes receiving means for receiving body temperature data transmitted by the transmitting means, accumulating means for accumulating body temperature data received by the receiving means, until an instruction for transmission is issued, recognizing means for recognizing an instruction for transmission, enciphering means for enciphering the body temperature data accumulated by the accumulating means, in the event that an instruction for transmission is recognized by the recognizing means, and transmitting means for transmitting the body temperature data enciphered by the enciphering means to the device.

A feature of the present invention therefore lies in accumulating body temperature data until an instruction for transmission is issued, recognizing when an instruction for transmission occurs, and enciphering the accumulated body temperature

data in the event that an instruction for transmission is recognized. By virtue of this feature, body temperature data can still be managed prior to an instruction.

Schulze discloses multi-variable patient monitor (MVPM) that connects to a variety of bio-sensors. The MVPM connects to a wireless network and the internet for transmitting voice and data to a health care provider. The health care provider communicates with the device via the internet and the wireless network to send instructions to the MVPM and to communicate via voice with the patient. Data collected by the MVPM is encrypted to prevent eavesdropping or tampering with any commands. See Abstract; column 5, lines 33 to 34. However, Schulze does not suggest or disclose the feature of accumulating body temperature data until an instruction for transmission is issued, and enciphering data when the instruction for transmission is recognized. Instead, Schulze merely teaches that data all collected by the MVPM device is encrypted, irrespective of whether an instruction for transmission is recognized.

Allowance of Claims 101 to 108 is therefore respectfully requested.

With regard to independent Claims 109, 116, 123 and 133, independent Claim 109 is directed to a body temperature managing method including a body temperature data storing step for storing body temperature data in storing means, a selecting step for selecting a facility in the event that instructions for receiving advice from a professional are received, and a disclosure confirming step for confirming whether the body temperature data may be disclosed to the facility selected in the selecting step. The body temperature managing method also includes a body temperature data disclosing step for disclosing the body temperature data stored in the storing means to the facility confirmed in the disclosure confirming step, a diagnosis data receiving step for receiving

diagnosis data diagnosed by a professional based on the body temperature data disclosed in the body temperature data disclosing step, and a diagnosis data transmitting step for transmitting diagnosis data received in the diagnosis data receiving step.

In a similar manner, independent Claims 116 and 123 respectively define the invention in terms of a body temperature managing device and a storage medium.

Independent Claim 133 is directed to a body temperature managing system including a server and thermometer terminals connected to the server by a network. The thermometer terminal includes first receiving means for receiving body temperature data measured by a thermometer, storing means for storing body temperature data received by the first receiving means, and transmitting means for transmitting body temperature data stored by the storing means. The server includes second receiving means for receiving body temperature data transmitted by the transmitting means, selecting means for selecting a facility in the event that instructions for receiving advice from a professional are received, disclosure confirming means for confirming whether the body temperature data may be disclosed to the facility selected by the selecting means, body temperature data disclosing means for disclosing the body temperature data received by the second receiving means to the facility confirmed by the disclosure confirming means, diagnosis data receiving means for receiving diagnosis data of a diagnosis made by a professional based on the body temperature data disclosed by the disclosing means, and outside transmitting means for outside transmitting of diagnosis data received by the diagnosis data receiving means.

A feature of the invention therefore lies in selecting a facility for professional advice in the event that instructions for receiving professional advice are

received. By virtue of this feature, professional advice may be provided to solve difficult physiological problems.

In contrast, the applied Schulze patent fails to disclose at least the feature of selecting a facility for professional advice. Schulze teaches communication between the MVPM device and a single health care provider, but is not seen to teach selecting a facility for providing the professional advice.

Allowance of Claims 109 to 129, and 133 to 136 is respectfully requested.

Independent Claim 130 is directed to a body temperature managing system including a server and facility terminals connected to the server by a network. The server includes body temperature data storing means for storing body temperature data, judgment receiving means for receiving judgment regarding whether or not to receive professional advice, body temperature data disclosing means for disclosing the body temperature data stored in the storing means to a facility in the event that the judgment receiving means receives judgment to receive professional advice, and diagnosis data receiving means for receiving diagnosis data of a diagnosis made by a professional based on the body temperature data disclosed by the body temperature data disclosing means. The server also includes diagnosis data transmitting means for transmitting diagnosis data received by the diagnosis data receiving means. The facility terminal includes viewing means for viewing body temperature data disclosed by the body temperature data disclosing means, and diagnosis data transmitting means for transmitting to the server diagnosis data of a diagnosis made by a professional based on the body temperature data, viewed by the viewing means.

A feature of the invention therefore lies in the facility terminals connected to the server by a network, and means for receiving judgment regarding whether or not to receive professional advice. This feature provides for professional advice to difficult technical problems.

Schulze discloses that the MVPM device connects to a wireless network and the internet for transmitting voice and data to a single health care provider. Schulze is not seen to disclose or suggest connection of the device to a plurality of facility terminals. As a consequence, Schulze is also not seen to disclose means for judging whether to receive professional advice from one of the facility terminals.

Allowance of Claims 130 to 132 is therefore respectfully requested.

With regard to independent Claims 137, 139, 141 and 143, independent Claim 137 is directed to a body temperature managing method, including a storing step for storing enciphered body temperature data, a duplicate creating step for creating a duplicate of the body temperature data, and a data deciphering step for deciphering the body temperature data created in the duplicate creating step. The body temperature managing method also includes an analyzing step for analyzing body temperature data deciphered in the data deciphering step, and a deleting step for deleting the deciphered body temperature data following completion of the analyzing step.

In a similar manner, independent Claims 139 and 141 respectively define the invention in terms of a body temperature managing device and a storage medium.

Independent Claim 143 is directed to a body temperature managing system wherein a server, a thermometer terminal for transmitting body temperature data, and a

thermometer are connected via a network. The thermometer includes measuring means for measuring body temperature, and body temperature data transmitting means for transmitting body temperature data measured by the measuring means. The thermometer terminal includes body temperature data receiving means for receiving body temperature data transmitted by the body temperature data transmitting means, storing means for storing body temperature data received by the body temperature data receiving means, enciphering means for enciphering body temperature data stored in the storing means, and enciphered data transmitting means for transmitting enciphered data enciphered by the enciphering means. The server includes enciphered data receiving means for receiving enciphered data transmitted by the enciphered data transmitting means, storing means for storing enciphered data received by the enciphered data receiving means, duplicate creating means for creating a duplicate of the enciphered data stored by the storing means, data deciphering means for deciphering the enciphered data created by the duplicate creating means, analyzing means for analyzing deciphered data deciphered by the data deciphering means, and deleting means for deleting the deciphered data following the analyzing means finishing.

A feature of the present invention therefore lies in creating a duplicate of body temperature data, deciphering the created body temperature data, analyzing the deciphered body temperature data, and deleting the deciphered body temperature data following completion of the analysis. By virtue of this feature, body temperature data is deciphered upon use and deleted thereafter.

As noted above, Schulze discloses that data collected by the MVPM is encrypted to prevent eavesdropping or tampering with any commands. See column 5, lines

33 to 34. The Office Action took the position that the deciphering of body temperature data and the deletion of the deciphered body temperature data following completion of the analysis step are inherent to Schulze. However, Schulze fails to disclose or suggest creating a duplicate of the body temperature data. As a consequence, Schulze could not possibly describe deciphering, analyzing, and deleting the duplicated data after analysis.

Allowance of Claims 137 to 143 is therefore respectfully requested.

With regard to independent Claims 144, 152 and 161, independent Claim 144 is directed to a body temperature managing method, including an instructing step for instructing analyzing of body temperature data, a body temperature data obtaining step for obtaining enciphered body temperature data in the event that analyzing is instructed in the instructing step, and a body temperature data storing step for storing the enciphered body temperature data obtained in the obtaining step. The body temperature managing method also includes a body temperature data analyzing step for deciphering the enciphered body temperature data stored in the storing step and for analyzing body temperature data based on deciphered body temperature data, and an analyzed data transmitting step for outside transmitting of analyzed data analyzed in the analyzing step.

In a similar manner, independent Claims 152 and 161 respectively define the invention in terms of a body temperature managing device and a storage medium.

A feature of the invention therefore lies in the storing of enciphered body temperature data based on an instruction, deciphering the encrypted data, and analyzing the body temperature data. By virtue of this feature, body temperature data, which must be protected for privacy reasons, is encrypted while stored, and deciphered when analyzed.

Schulze discloses that collected data is encrypted to prevent eavesdropping or tampering with any commands. The Office Action took the position that deciphering the body temperature is inherent to Schulze. However, Schulze is not seen to disclose instructing analysis of the body temperature data. Therefore, Schulze could not be seen to disclose the enciphering the data based on an instruction, and the subsequent deciphering and analysis of the enciphered data.

Allowance of Claims 144, 146, 151, 152, 155, 160, 161 and 166 is respectfully requested.

Regarding independent Claims 169 and 170, independent Claim 169 is directed to a body temperature managing system wherein a server, a thermometer terminal for transmitting body temperature data, and a thermometer are connected via a network. The thermometer includes measuring means for measuring body temperature, and first transmitting means for transmitting body temperature data measured by the measuring means. The thermometer terminal includes receiving means for receiving body temperature data transmitted by the first transmitting means, enciphering means for enciphering body temperature data received by the receiving means, and second transmitting means for transmitting enciphered body temperature data enciphered by the enciphering means. The server includes body temperature receiving means for receiving enciphered body temperature data transmitted by the second transmitting means, judging means for judging whether or not a predetermined time has come, and analyzing means for deciphering the enciphered body temperature data and for analyzing body temperature data based on deciphered body temperature data, in the event that judgment is made by the

judging means that the predetermined time has come. The analyzed results are transmitted to the outside by analyzed results transmitting means.

Independent Claim 170 is directed to a body temperature managing system wherein a server, a thermometer terminal for transmitting body temperature data, and a thermometer are connected via a network. The thermometer includes measuring means for measuring body temperature, and first transmitting means for transmitting body temperature data measured by the measuring means. The thermometer terminal includes receiving means for receiving body temperature data transmitted by the first transmitting means, enciphering means for enciphering body temperature data received by the receiving means, and second transmitting means for transmitting enciphered body temperature data enciphered by the enciphering means. The server includes body temperature receiving means for receiving enciphered body temperature data transmitted by the second transmitting means, instructing means for instructing analyzing of body temperature data, and analyzing means for deciphering the enciphered body temperature data received by the body temperature receiving means and for analyzing deciphered body temperature data, in the event that analyzing is instructed by the instructing means. The analyzed results are transmitted to the outside by analyzed results transmitting means.

A feature of the invention therefore lies in enciphering the body temperature data received, and deciphering and analyzing the enciphered data based on either (i) a judgment whether a predetermined time has come as described in independent Claim 169, or (ii) an instruction for analysis of the body temperature data as described in independent Claim 170.

As noted above, the Office Action took the position that deciphering the body temperature is inherent to Schulze. However, Schulze does not teach the deciphering and analysis of the enciphered body temperature data based on a judgment whether a predetermined amount of time has passed, or based on an instruction for analyzing the body temperature data.

Allowance of Claims 169 and 170 is therefore respectfully requested.

Newly added independent Claim 171 incorporates the features of newly added independent Claim 144 and original Claim 62; newly added independent Claim 172 incorporates the features of newly added independent Claim 145 and original Claim 65; newly added independent Claim 173 incorporates the features of newly added independent Claim 145 and original Claim 66; newly added independent Claim 174 incorporates the features of newly added independent Claim 154 and original Claim 77; and newly added independent Claim 175 incorporates the features of newly added independent Claim 154 and original Claim 78. Accordingly, these claims are believed to be allowable.

Based on the foregoing remarks, independent Claims 101, 102, 107 to 109, 116, 123, 130, 133, 137, 139, 141, 143 to 145, 152 to 154, 161 to 163, 169 to 175 are believed to be allowable over the applied references. Reconsideration and withdrawal of the § 103(a) rejections are respectfully requested.

The other claims in the application are each dependent from the independent claims discussed above and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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